

DEPARTMENT OF LAW
Department of Criminal Litigation
Office of Trafficking and Abuse Prevention and Prosecution
(New Administrative Regulation)

40 KAR 6:030. Human Trafficking Victims Fund.

RELATES TO: KRS 529.010, 529.130, 529.140, 529.150

STATUTORY AUTHORITY: KRS 529.140

NECESSITY, FUNCTION, AND CONFORMITY: KRS 529.140 creates the “human trafficking victims fund” as a separate revolving fund within the Office of the Attorney General. Monies in the fund must be distributed to agencies serving victims of human trafficking, including but not limited to law enforcement agencies, prosecutorial agencies, and victim service agencies. The Office of the Attorney General must promulgate administrative regulations to develop procedures for distributing funds pursuant to this section. This administrative regulation governs the distribution of funds from the Human Trafficking Victims Fund.

Section 1. Office of the Attorney General’s Use of Funds. (1) The Office of the Attorney General shall use funds received to maintain programs for the prevention of human trafficking, provide education, training, or public outreach programs about human trafficking, and conduct human trafficking investigations.

(2) When distributing funds under this subsection, the Office of Attorney General shall document the activity for which funds were distributed and the total cost of the activity.

Section 2. Distribution of Funds. (1) The Office of Attorney General may distribute funds to agencies serving victims of human trafficking, including but not limited to law enforcement agencies, prosecutorial agencies, and victim service agencies.

(2) The Office of the Attorney General may also recoup costs for conducting any programs or trainings.

(3) An agency wishing to receive funds from the Human Trafficking Victims Fund shall complete the Human Trafficking Victims Fund Application.

Section 3. Limitation on Use of Funds Under KRS 529.140(3)(b). The Cabinet for Health and Family Services shall use funds received to serve minor victims of human trafficking under KRS 620.029.

Section 4. Incorporation by Reference. (1) “Human Trafficking Victims Fund Application, August 2021,” is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Attorney General, 1024 Capital Center Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. The material incorporated by reference is also available on the Attorney General’s Web site at ag.ky.gov.

DANIEL CAMERON, Attorney General

APPROVED BY AGENCY: August 13, 2021

FILED WITH LRC: August 13, 2021 at 11:20 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 22, 2021, at 9:30 a.m. Eastern Time at 1024 Capital Center Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing

shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Catherine York, Office of Trafficking and Abuse Prevention and Prosecution, Office of the Attorney General, 1024 Capital Center Drive, Frankfort, Kentucky 40601; phone 502-696-5670; fax 502-573-1009; email Catherine.york@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Catherine York

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures for distributing funds from the Human Trafficking Victims' Fund.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the procedures for distributing funds from the Human Trafficking Victims' Fund as required by KRS 529.140.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms because it establishes the procedures for distributing funds from the Human Trafficking Victims Fund and includes those provisions required by KRS 529.140.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the authorizing statute by establishing the procedures and application used to distribute funds from the Human Trafficking Victims Fund.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: This administrative regulation affects the Cabinet for Health and Family Services and all law enforcement agencies, prosecutorial agencies, and victim service agencies, including the Office of the Attorney General.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: To apply for funds available

from the Human Trafficking Victims Fund, the Cabinet for Health and Family Services, the Office of the Attorney General, and other law enforcement agencies, prosecutorial agencies, and victim service agencies must complete the application incorporated by reference in this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): In complying with this administrative regulation, there is no cost to the law enforcement agencies, prosecutorial agencies, and victim service agencies.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Law enforcement agencies, prosecutorial agencies, and victim service agencies that apply for funds as required by this administrative regulation may receive funds to serve victims of human trafficking.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The Office of Attorney General anticipates that this administrative regulation will be budget neutral on an initial basis.

(b) On a continuing basis: The Office of Attorney General anticipates that this administrative regulation will be budget neutral on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of revenue to be used for implementation and enforcement of this administrative regulation is the Human Trafficking Victims Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. The Office of the Attorney General does not anticipate an increase in fees or funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increases any fees.

(9) Tiering: Is tiering applied? Tiering is not appropriate because the regulation applies equally to all law enforcement agencies, prosecutorial agencies, and victim services agencies.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will affect the Office of the Attorney General and to agencies serving victims of human trafficking, including but not limited to law enforcement agencies, prosecutorial agencies, and victim service agencies.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 529.140 authorizes the action taken by the administrative regulation.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate any additional revenue for state or local governments during the first year of implementation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This administrative regulation will not generate any additional revenue for state or local governments during subsequent years of implementation.

(c) How much will it cost to administer this program for the first year? The Office of the Attorney General anticipates that this administrative regulation will be budget neutral for the first year.

(d) How much will it cost to administer this program for subsequent years? The Office of the Attorney General anticipates that this administrative regulation will be budget neutral for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Not applicable.

Expenditures (+/-): Not applicable.

Other Explanation: Not applicable.